

October 22, 2014 OSHA Stakeholder's Meeting • Washington, DC

MCAA representatives attended the OSHA Stakeholder's Meeting held at the Department of Labor on Wednesday, October 22. Approximately 100 other individuals from as many of 50 organizations were also present. In May 2014, the staff that manages OSHA's Nationally Recognized Testing Laboratory had proposed this meeting and posited a number of questions and options for change in the program. Presenters from 10 organizations—including MCAA's Chairman, Todd Lucey of Endress + Hauser—presented their reactions to the OSHA proposals and discussed among themselves and with the audience ways to improve the program. Included in those presenters were NRTLs (CSA, Intertek and UL), independent accreditors (International Accreditation Service and American Association for Laboratory Accreditation) international organizations (GAMBICA (which is the counterpart to MCAA in the UK), ZVEI (the German Electrical Manufacturers Association) and Orgalime (a cooperative of European associations)) and two trade associations (MCAA and the American Council of Independent Laboratories). Although our counterparts from Europe strongly supported our positions and ACIL mildly acceded to similar positions, the sentiment did not sway heavily toward how the Product Approval Process affects the companies whose products are tested and certified.

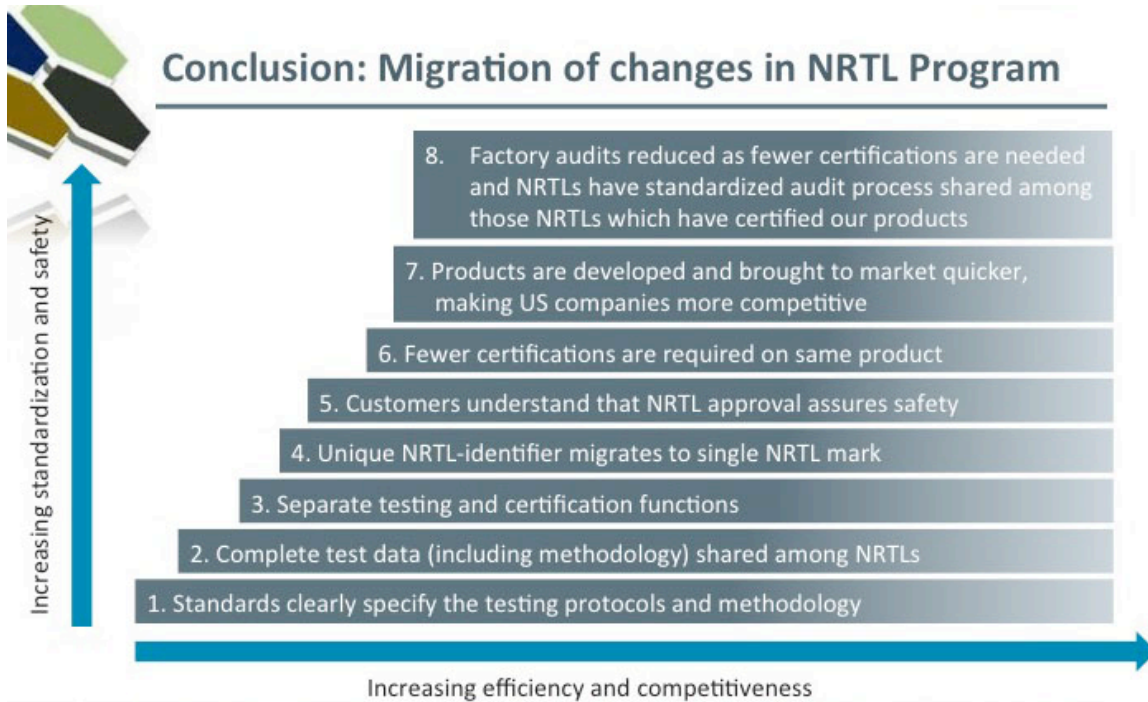
Nevertheless, we feel that OSHA heard and appreciated our positions and that no specific negative response was offered. MCAA's comments repeatedly stressed safety and how the current system sometimes pushes customers to make less safe choices.

Most specifically, OSHA was hearing from the Accreditors and the NRTLs that it should adopt a plan to use private sector accreditors to perform application reviews and on-site assessments. MCAA offered no opinion about the use of independent accreditors but did comment specifically about a proposal to separate the testing and certification functions and we urged that this would require clear and consistent standards (eliminating use of proprietary standards and coalescing around ANSI or IEC standards) and requiring that NRTL-approved certifying bodies accept the test data from NRTL-approved test laboratories. We believe that this is one of the regulatory changes that would have to occur. Other changes that OSHA proposed might be accomplished by an update of the NRTL Directive—a far less complex process.

With regard to Certification Marks MCAA was less entrenched—we believe that the difficulty lies in the customer perception of what mark they need to look for and that a single NRTL-approval mark would eliminate that confusion. Adding a unique identifier (OSHA suggested "N") does not appear that it would solve the issues we see in the customer environment unless it is a step toward a single mark. For our hazardous location products, a mark that indicates conformity to IECEx is going to go a long way toward eliminating confusion. OSHA has already indicated its intention to accept IECEx testing and certification protocols—transitioning customers from divisions to zones is another issue.

Finally, OSHA is considering allowing NRTLs to adopt risk-based approaches to the determination of the frequency of factory inspections. Most speakers, including MCAA, noted that this must include a floor and guidelines but there was general support. Standardization of forms and sharing of inspection information was also discussed.

During his presentation, Todd Lucey presented this visual of what MCAA members support in the revision of the current NRTL program:



Currently, most of the proposals for changes to the NRTL program focus on existing policies which would limit the kind of more systemic changes that MCAA sees as necessary. Those changes—separating the testing and certification functions, migration to a single mark, simplifying the inspection and factory audit process—would all likely require regulatory change. Therefore, we believe our best efforts are in providing our support and encouragement of starting the Rule Change process sooner rather than later. We will, therefore, engage in an active and ongoing communication process with the OSHA NRTL officials.

MCAA’s presence—specifically its visible and active participation—at the recent OSHA Stakeholder’s Meeting likely ensures our seat at the table for further discussions on these matters.